

July 12, 2000

Exhibit A – AT&T *Ex Parte*, June 20, 2000, Docket No. 99-217

Exhibit B – BellSouth *Ex Parte*, May 15, 2000, Docket No. 96-98

Exhibit C – Testimony of Keith Milner Before Georgia PSC, May 10, 2000

Exhibit D – Florida Public Service Commission Order

Exhibit E – Georgia Public Service Commission Order

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# EXHIBIT A

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EXHIBIT A



Frank S. Simone  
Government Affairs Director

Suite 1000  
1120 20th Street, N.W.  
Washington, DC 20036  
202 457-2321  
FAX 202 457-2545  
EMAIL fsimone@att.com

June 20, 2000

RECEIVED

JUN 20 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S. W. - Room TWB-204  
Washington, D. C. 20554

Re: Ex parte, WT Docket No. 99-217, Promotion of Competitive Networks in Local Telecommunications Markets; CC Docket No. 96-98, Implementation of Local Competition Provisions in the Telecommunications Act of 1996

Dear Ms. Salas:

On Thursday, June 15, 2000, Teresa Marrero, Gregory Cameron, Tina Pyle and the undersigned, all of AT&T, met with Jeffrey Steinberg, Lauren Maxim Van Wazer, Leon Jackler, and Paul Noone of the Wireless Telecommunications Bureau's Commercial Wireless Division and Carl Kandutsch of Cable Services Bureau. This Notice is being filed 2 days out of time due to an administrative oversight. The purpose of the meeting was to discuss the difficulties AT&T encounters when attempting to serve customers residing in multiple tenant environments. AT&T's views, as expressed in this meeting, were consistent with its written comments and reply comments in the above-captioned proceeding.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206 (b) of the Commission's rules.

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Simone".

cc: L. Jackler  
C. Kandutsch  
L. Maxim Van Wazer  
P. Noone  
J. Steinberg

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## **CERTAIN INCUMBENT LECS IMPEDE AT&T'S ABILITY TO SERVE CUSTOMERS IN MTEs**

- **ILECs use ambiguity over who owns inside wire to delay or limit CLEC use of inside wire:**
  - **ILECs refuse to offer unbundled network elements because the ILEC claims no ownership or control;**
  - **building owners refuse to permit interconnection to inside wire because they don't "think" they own the wiring.**
- **ILECs seek to levy charges that have no apparent TELRIC justification.**
- **ILECs propose Single Point of Interconnection (SPOI) arrangements that impose significant operational difficulties and unnecessary cost upon CLECs:**
  - **installation of duplicative and unnecessary "feeder" cross-connect panel;**
  - **unnecessary use of and payment for ILEC technicians;**
  - **ILEC continued control of the first pair of wire to each customer.**

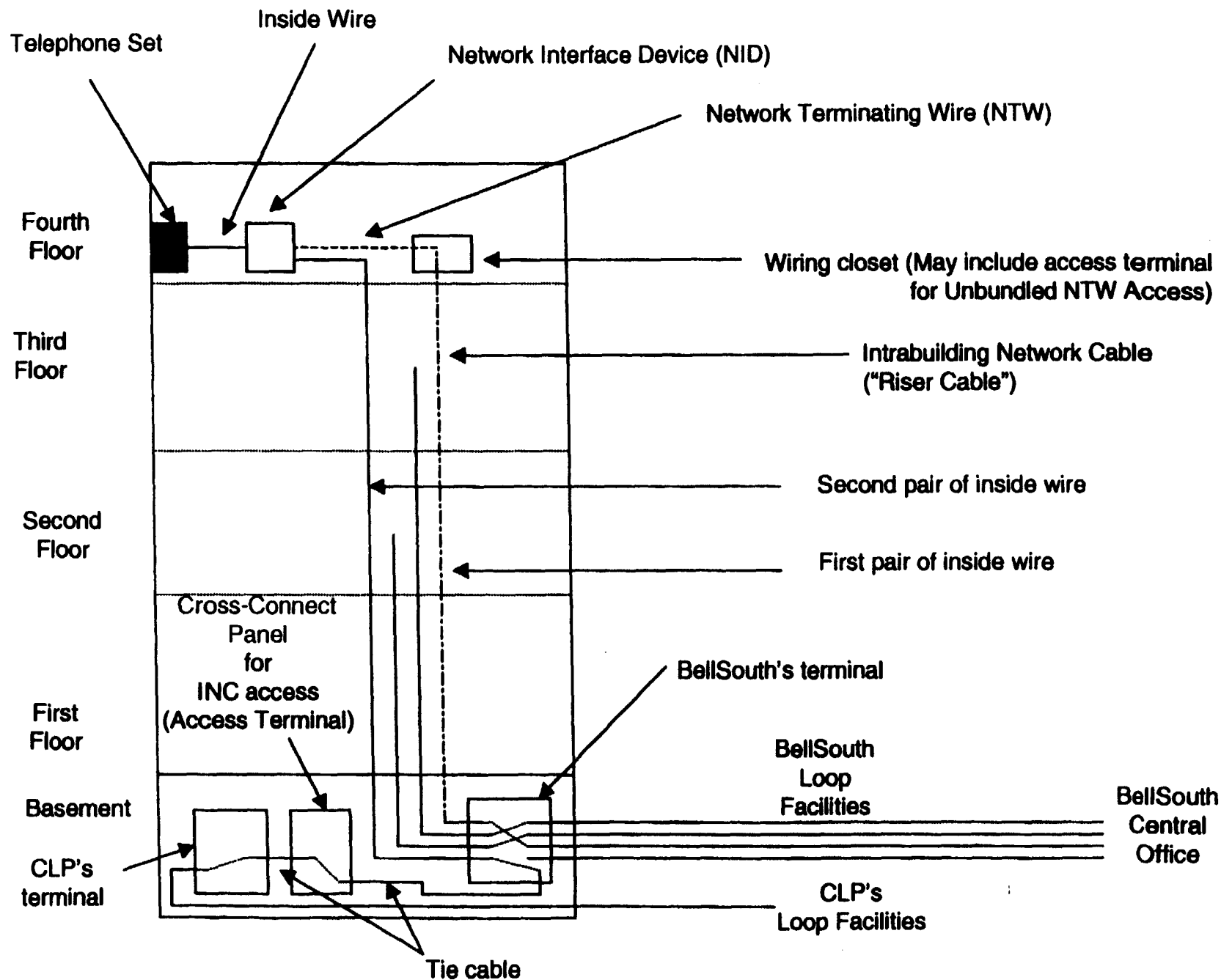
## **CERTAIN BUILDING OWNERS IMPEDE THEIR TENANTS' ABILITY TO CHOOSE THEIR DESIRED SERVICE PROVIDERS**

- **Building owners impose unreasonable and sometimes discriminatory terms before permitting access to their buildings:**
  - **one-time “administrative” fee of \$1,000 to \$1,500 for negotiations; and/or**
  - **monthly rents for equipment space (e.g., basement, riser conduit, roof tops) at rates approximately 300% higher than the average real estate rental rates; and/or**
  - **revenue sharing, sometimes in the range of 3% to 5% of gross revenues.**
- **Exclusive Access issues often arise when building owners:**
  - **enter into revenue sharing agreements with ILECs;**
  - **invest in Building Local Exchange Carriers (“BLECs”), and then prohibit entry by non-affiliated CLECs.**
- **Ambiguity over inside wire ownership can result in building owners’ refusing to permit construction of AT&T’s facilities even where ILECs deny ownership.**

## **RECOMMENDED COMMISSION ACTION**

- **The Commission should define the “demarcation point” as:**
  - **the Minimum Point of Entry (MPoE) where the building owner asserts ownership/control of the inside wire or a network interface device located generally no more than 12 inches outside of an individual subscriber’s unit in all other cases.**
- **Clarify that the ILEC must provide nondiscriminatory access to and TELRIC supported pricing for all network elements and support related to the use of wiring between the MPoE and demarc:**
  - **ILECs cannot rely upon tariffed rates or contractual arrangements as justification for UNE pricing;**
  - **ILECs cannot reserve the first pair of inside wire for their own use; and**
  - **ILECs may not impose inefficient and/or unnecessary requirements on or preconditions for CLEC access.**
- **Commission should clarify that nondiscriminatory access required under Section 224 of the Act applies to utility-owned or controlled ducts, conduits, and rights-of-way. More specifically, the CLECs must have the rights to use in-building/intra-premise ducts, conduits or rights-of-way employed by the ILEC:**
  - **whether the facilities are owned or merely controlled by the ILEC;**
  - **regardless of whether the ILEC currently uses the facilities.**

## BELLSOUTH'S PROPOSED BUILDING ACCESS REQUIREMENTS



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# EXHIBIT B

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ORIGINAL

**BELLSOUTH**

EX PARTE OR LATE FILED

Kathleen B. Levitz  
Vice President-Federal Regulatory

EXHIBIT B

May 15, 2000

Suite 900  
1133-21st Street, N.W.  
Washington, D.C. 20036-3351  
202 463-4113  
Fax: 202 463-4198  
Internet: levitz.kathleen@bsc.bls.com

EX PARTE

RECEIVED  
MAY 15 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CC Docket No. 96-98

Dear Ms. Salas:

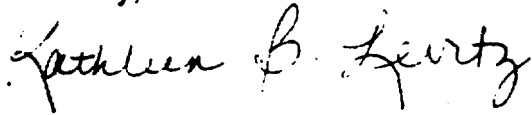
On May 15, 2000, Keith Milner, Angela Brown, Tom Larsen, Carol Matz and I, representing BellSouth participated in a telephone conversation with Jake Jennings, Chris Libertelli, and Jon Reel of the Common Carrier Bureau's Policy and Program Planning Division. The purpose of the conversation was to discuss BellSouth's position, expressed in its petition for reconsideration of the *Third Report and Order* in CC Docket No. 96-98, on two issues upon which the Commission had acted in that *Order*. The first issue was under what circumstances should ILECs be required to construct a single point of interconnection (SPOI). BellSouth believes that no such obligation should attach where the ILEC neither owns nor controls the facilities on the customer's side of the SPOI nor should it attach when a CLEC has not placed an order for access. BellSouth also believes that the Commission should reinstate its rule that did not permit CLECs to connect their loops directly to ILEC NIDs. The attached document formed the basis for BellSouth's presentation on these two issues. At the close of the meeting, we also explained that, for the reasons set for in BellSouth's Opposition Comments in this proceeding, the Commission should not raise the threshold number of lines for switching relief.

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In accordance with Section 1.1206(b)(2), I am filing two copies of this notice in the docket identified above. If you have any questions concerning this, please call me.

Sincerely,

A handwritten signature in cursive script, reading "Kathleen B. Levitz". The signature is written in black ink and is positioned above the printed name.

Kathleen B. Levitz

Attachment

cc: Jake Jennings (w/o attachment)  
Chris Libertelli (w/o attachment)  
Jon Reel (w/o attachment)

# **BellSouth Ex Parte on Issues Related to the SPOI and NIDs**

**CC Docket No. 96-98**

**May 15, 2000**

# Single Point Of Interconnection (SPOI)

- SPOI comments predicated on the retention of the Commission's long-standing definition of Inside Wire.
- Construction of a single SPOI is not always practical, efficient, or most importantly **necessary** to achieve CLEC interconnection.
  - Single SPOI will not meet the needs of all CLECs.
  - CLECs have requested and BellSouth has provided elements such as NTW and INC.

# Single Point of Interconnection (SPOI)

- ILECs should not be required to construct a SPOI if a CLEC has not placed an order for access.
- ILEC should not be required to construct a SPOI where it neither owns nor controls the facilities.
  - No legal justification exists for an ILEC to construct a SPOI solely for the benefit of other carriers.
  - ILEC does not have the authority to disturb the facility owned by others.

# Single Point of Interconnection (SPOI)

- SPOIs should only be required at the existing ILEC terminal or locations where no extensive recabling is required.
- Where the CLEC owns or controls the facilities and a second CLEC or ILEC seeks to obtain access, the controlling CLEC should be responsible for providing access via the SPOI under reasonable terms and conditions in keeping with the spirit of the 1996 Act.
- Supreme Court's and D.C. Circuit's holdings against impermissibly broad interpretations of "necessary" must be heeded.

# Network Interface Devices (NIDs)

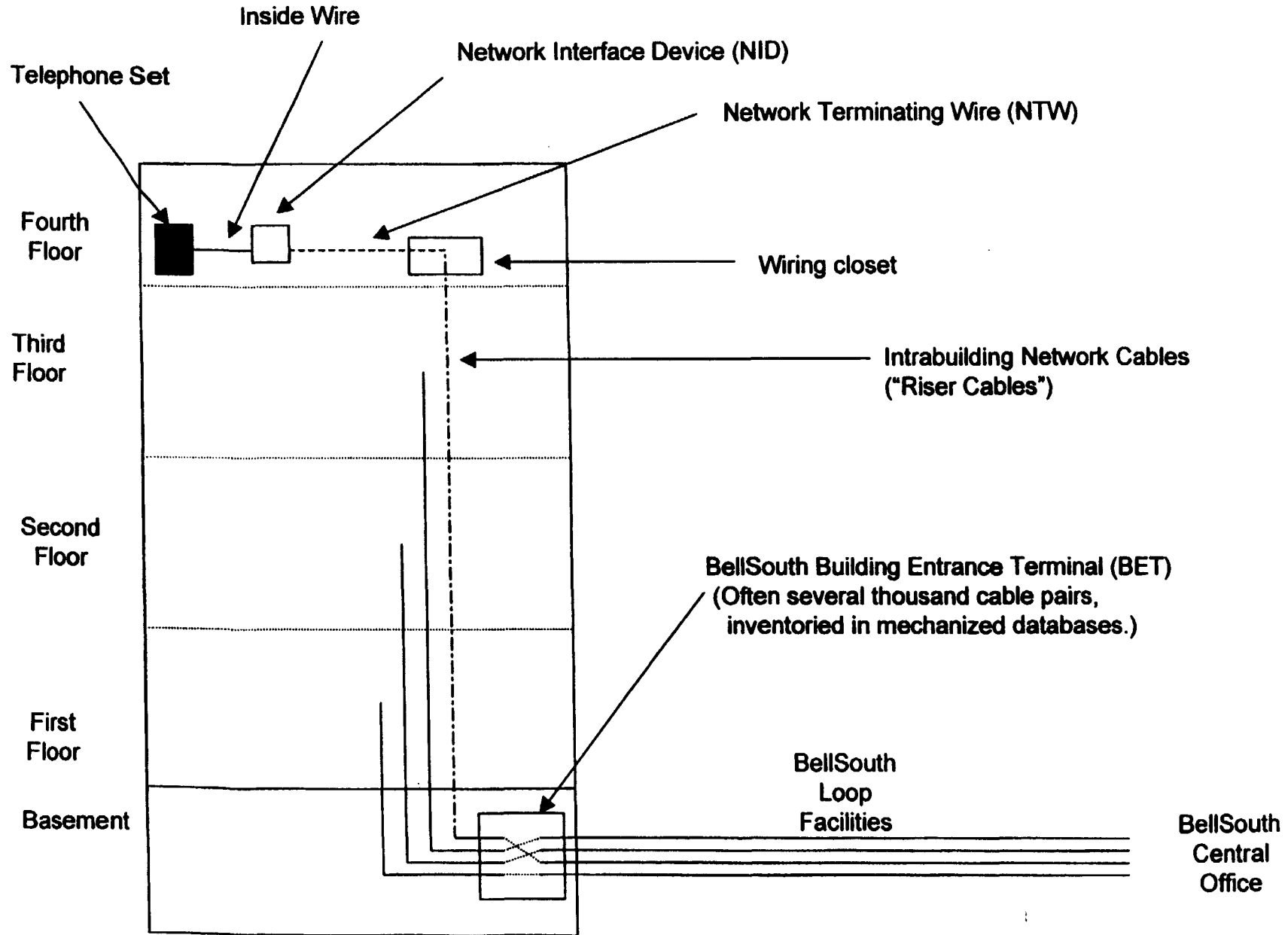
- Record fails to support a rule change on the unbundling of NIDs.
  - No evidence in the record to show that it is now technically feasible for competing carriers to connect their loop facilities directly to the ILECs' NIDs.
  - Overvoltage concerns have not been addressed.
  - Disconnecting existing loop from lightening protector could violate NEC.
- FCC should reinstate its prior determination that an ILEC is not required to provide access to a CLEC to connect its loops directly to the ILEC's NIDs.

# Summary

- ILEC should not be required to construct a SPOI if a CLEC has not placed an order for access.
- ILEC should not be required to construct a SPOI where it neither owns nor controls the facilities.
- The Commission should reinstate its rule that did not permit CLECs to connect their loops directly to ILEC NIDs.



## Typical Multi-Story, Multi-Tenant Highrise Building



## Access Via SPOI For Each Requesting CLEC

